

KEVIN V. RYAN (CASBN 118321)
United States Attorney

EUMI L. CHOI (WVSBN 0722)
Chief, Criminal Division

MICHELLE MORGAN-KELLY (DEBN 3651)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510)637-3705
Fax: (510)637-3724

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-06-00182 WHA
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	CONTINUANCE FROM MARCH 28, 2006
v.)	THROUGH APRIL 4, 2006, SETTING
)	INITIAL APPEARANCE, AND
ROY MCKENNA,)	EXCLUDING TIME FROM THE SPEEDY
)	TRIAL ACT CALCULATION (18 U.S.C. §
Defendant.)	3161(h)(8)(A))

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of April 4, 2006 at 9:30A.M. before the duty magistrate judge, scheduling defendant's initial appearance before the Honorable William H. Alsup on April 4, 2006 at 2:00 p.m., and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from March 28, 2006 through April 4, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been arrested on a complaint, has been released on a bond, and was indicted on March 22, 2006.

2. Defense counsel had not been retained at the time that the March 28, 2006 arraignment date was set and has a scheduling conflict on that date. Defendant has requested discovery, which the government is in the process of preparing.

1 3. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(8)(B)(iv) to provide continuity of counsel and for effective preparation, taking into
3 account the exercise of due diligence.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest.

6 5. In light of these facts, the Court finds that, taking into account the public interest in
7 the prompt disposition of criminal cases, the ends of justice served by excluding the period from
8 March 28, 2006 through April 4, 2006, outweigh the best interest of the public and the defendant
9 in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

10 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
11 hearing date before the duty magistrate judge on April 4, 2006, at 9:30A.M., (2) sets an initial
12 appearance before the Honorable William H. Alsup on April 4, 2006 at 2:00 p.m., and (3) orders
13 that the period from March 28, 2006 through April 4, 2006 be excluded from Speedy Trial Act
14 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

15 IT IS SO STIPULATED:

16
17 DATED March 24, 2006


/s/
NANCI CLARENCE
Counsel for Defendant Roy McKenna

18
19 DATED: March 24, 2006

/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

20
21 IT IS SO ORDERED.

22
23 DATED: March 27, 2006



BERNARD ZIMMERMAN
United States Magistrate Judge